



WIAP # 5-99

SUBJECT: One Stop Policies

Statutory Reference: WIA§121,134,188

WDC Review Date: 9/21/99

Effective Date: 11/1/99

BACKGROUND

Under the WIA, responsibility for program design and oversight is split between the state and local levels. Although extensive autonomy exists at the local level for the Workforce Investment Board and the One Stop Partners to design the One Stop system, the system must adhere to the policy direction set by the state and a very extensive legislative and regulatory framework.

ISSUES

SYSTEM PARTNERS

BACKGROUND

WIA section 121(b)(1) identifies the entities that are required partners in the One Stop system. Additional partners may participate in the One Stop system if the Local Workforce Investment Board and the Local Elected Officials approve. The “partners” are the entities that carry out the programs as the administering agency at the local level, not the subcontractor to that entity. If there is no local administering agency, the state agency serves as the “entity”. The state has the option to require the participation of additional partners or to defer the decision to the local level.

POLICY

The LEO-WIB partnership, is encouraged but not mandated, to seek out the participation of voluntary partners in the local One Stop system.

PARTNER RESPONSIBILITIES

BACKGROUND

The Regulations at sections 662.230 and 662.260 list the responsibilities of the mandatory partners. All required partners must make their applicable core services available in the One Stop Center and provide

access to their other activities and programs. They must use a portion of their funds to create, maintain and participate in the One Stop delivery system, and provide their core services. They are required to enter into a Memorandum of Understanding (MOU) with the local Workforce Investment Board relating to the operation of the One Stop system, and to serve as a representative on the board

POLICY

When applying the terms “One Stop partner” and “Required One Stop partner” to the various opportunities and requirements listed in the Act, Regulations and state policy, the following definitions will be used.

That a One Stop Partner is defined as the entity that serves as the administrative entity for one or more of the partner programs listed at WIA section 121(b)(1). It excludes subrecipients of these entities.

That required One Stop Partners shall be defined as only those One Stop Partner entities which operate programs listed as required at 121(b)(1). All other partners are considered voluntary and are not subject to the requirements or opportunities afforded “required partners” unless agreed to by the partner, the Workforce Investment Board and the Chief local elected official.

APPLICABLE CORE SERVICES

BACKGROUND

Required One Stop Partners must make their applicable core services for a program available in at least one One Stop Center in the Workforce Investment Area. The State has the option to require additional core services or otherwise add to the definitions.

POLICY

The One Stop Partners, in accordance with agreements established with the Local Workforce Investment Boards, shall make available the applicable core services listed at Section 134(d)(2) of the WIA and are encouraged, but not mandated, to provide additional service elements in the local One Stop system.

LOCATION AND STRATEGY FOR PROVIDING SERVICES

BACKGROUND

The regulation at section 662.250 describes where and to what extent the One Stop partners must make available the applicable core services. Section 134(c) of WIA requires that the applicable core services be made available to individuals attributable to the partner program at the comprehensive One Stop Center.

The regulation at section 662.260 provides that, in addition to the provision of core services, the One Stop partners must use the One Stop system to provide access to the partners' other activities and programs. This access must be described in the MOU. This is intended to ensure a seamless, comprehensive workforce

development system that identifies the service options available to individuals and helps to facilitate access to these services.

The partner may provide core services at the center:

- Through the use of appropriate technology at the center;
- By co-locating personnel at the center;
- Cross-training of staff; or
- Through a cost-reimbursement or other agreement between center partners as agreed to in the MOU.

POLICY

The minimum service standards that will apply to the delivery of services is as follows:

1. Required One Stop Partners will make applicable core services available and provide access to other services in at least one physical One Stop Center within each workforce region.
2. Partners may utilize any authorized methodology to deliver core services provided the methodology
 - is consistent with the Partner's authorizing legislation and the WIA;
 - does not require the customer to travel to another location to obtain the core service; and
 - meets minimum standards of accessibility set forth in section 188(a)(1) of the WIA.
3. Access to other partner activities and programs will be described in the local MOU.

ADDITIONAL SITES

BACKGROUND

In addition to the comprehensive centers, the regulation notes that WIA allows for three other arrangements to supplement the comprehensive center. These supplemental arrangements include:

- (1) a network of affiliated sites that can provide one or more of the programs, services and activities of the partners;
- (2) a network of One Stop partners through which each partner provides services that are linked, physically or technologically, to an affiliated site and through which all individuals are provided information on the availability of core services in the local area; and
- (3) specialized centers that address specific needs.

The particular design, including the number of centers and other supplemental arrangements will be identified as a process of negotiation of the MOU with the Local Workforce Investment Board.

One Stop partners have an obligation to ensure that core services that are appropriate for their particular populations are made available at one comprehensive center. It is not required that partners provide applicable core services exclusively at a One Stop Center. Further, a partner is not required to route all of its participants through the comprehensive One Stop Center. If an individual enters the system through one of the network sites rather than the comprehensive One Stop Center, the individual may still obtain certain services at the network site and information about how and where all the other services provided through the One Stop system may be obtained.

Participation in the One Stop system, either at the center, or an affiliate location, will ultimately be decided as a product of the MOU between the partners and the local Workforce Investment Board. The following policy is intended to ensure continuation of maximum access and consistent quality of that access.

POLICY

All required partners and voluntary partners are encouraged to offer access to the services through the One Stop system by assuring an awareness of system services at any point of entry.

Those partners wishing to be identified as “affiliate” partner sites will

- enter into an MOU with the local WIB describing their specific participation in the one stop system;
- maintain access to the Idaho Works automated system;
- offer assisted services to those who prefer such services over automated services; and
- make accurate and up to date information on their services available for access through Idaho Works.

ONE STOP OPERATORS – ELIGIBILITY TO BE DESIGNATED

BACKGROUND

The WIA introduces the concept of the One Stop Operator. The role of the One Stop Operator or Operators is to administer the One Stop Center or centers. Their responsibility may range from simply coordinating service providers within the center to being the primary provider of services at the center. In areas where there is more than one comprehensive One Stop Center, there may be separate Operators for each center or one Operator for multiple centers. The Local Workforce Investment Board determines the number and role of One Stop Operators within each region.

The law specifies a number of entities which may serve as the One Stop Operator. The Act, at section 121(d)(2) identifies entities, including consortia, which can serve as the One Stop Operator. With the exception of secondary and elementary schools, any entity of demonstrated effectiveness is eligible to serve in this role.

POLICY

Entities wishing to serve as a One Stop Operator must be eligible to apply as specified at section 121(d)(2) of the Act.

SELECTION OF OPERATOR

The WIA gives the responsibility for selecting the One Stop Operator to the Local Workforce Investment Board.

The Local Workforce Investment Board may select the Operator through a competitive process, or the Local Workforce Investment Board may designate a consortium that includes three or more required One Stop Partners as an Operator. The law also addresses the “grandfathering” of existing One Stop Operators.

The conditions proposed for conduct of a competitive process are described in a separate WIAP. This section is intended to articulate policies when non-competitive processes are used under the consortium or grandfathering options.

Consortium Option

BACKGROUND

Section 121(d)(2)(A)(ii) specifies that the Local Workforce Investment Board may designate a consortium of three or more “required one stop partners” to serve as the One Stop Operator without the requirement to utilize a competitive process. While three or more required partners must be part of the agreement between the local workforce board and the consortium, any number of additional partners may join this consortium arrangement. Section 117(e) which includes the Sunshine Provisions for Local Workforce Investment Boards, requires that the board notify the public about the certification or designation of the One Stop Operator.

POLICY

The following process for designation of an Operator under the consortium option shall be used:

1. The local Workforce Investment Board may consider a request submitted by a consortium of three or more required One Stop Partners for designation as a One Stop Operator without regard to competition;
2. The local Workforce Investment Board will provide notice to the public for a period of thirty days (30) prior to designation if it intends to designate the consortium as the Operator;
3. The local Workforce Investment Board will designate the consortium, not its individual members, as the One Stop Operator after:
 - a) Considering and acting upon comments received from the public and other eligible applicants for services;
 - b) Negotiating an MOU with all required One Stop Partners and the entity(ies) being designated to provide services consistent with the scope and intent of section 134 of the WIA; or
 - c) If the local Workforce Investment Board has reached an impasse in the negotiations with any required partner, submitting a request to the Governor for intervention; after considering comments from the public and any other interested eligible applicants in the local area;
4. The designation of a consortium as a One Stop Operator will not preclude the local Workforce Investment Board from designating or certifying other entities as One Stop Operators for other center(s), provided that is consistent with the MOU negotiated with the partner organizations; and
5. The local Workforce Investment Board will enter into an agreement with the consortium specifying the role of the Operator and its responsibilities under the WIA, including its adherence to the MOU with the partner organizations.

“Grandfathering” of an existing One Stop system

BACKGROUND

The WIA law and regulations provide for continuity for areas that have already established a One Stop system while ensuring that the “reform” provisions of the Act are put into place. For the “Operators” of these systems to be certified, the law requires compliance with the following conditions:

1. The One Stop delivery system, consistent with the scope and meaning of the term in section 134(c), existed prior to the enactment of the WIA on August 7, 1998;
2. The designation or certification must be approved by the Governor, the local Workforce Investment Board and the Chief elected official;
3. The certification must be consistent with the requirements of:
 - a. WIA section 121(b) which lists the requirements for participation of all required partners;
 - b. The Memorandum of Understanding negotiated with all required and any optional partners; and
 - c. The designation is made consistent with the Sunshine provisions appearing at section 117(e).

In Idaho, a One Stop system had been established prior to the enactment of the WIA as indicated by the submission of local One Stop plans by the Regional Collaborative Teams and the “initial certification” of the Idaho Works Career Centers (One Stop Centers) in January of 1998.

POLICY

The following policy outlines the criteria under which the Governor would approve the certification of these existing systems.

The Governor will approve a request to “grandfather” an existing system under the following conditions:

1. A request for certification has been submitted by an entity or consortium of entities who were certified to operate an Idaho Works Career Center prior to August 7, 1998, or
2. in those cases where an entity within the consortium is precluded from participation or no longer available to provide One Stop services, the remaining members of the existing consortium have submitted such a request;
3. The local Workforce Investment Board and the local elected officials have publicly announced their intent to designate the existing entity as the One Stop Operator, and for a period of no less than thirty (30) days, have provided the public and other eligible entities in the local area an opportunity to comment on the designation;
4. The local Workforce Investment Board and the local elected officials have agreed to designate the entity as the Operator after:
 - a. Considering and acting upon comments received from the public and other eligible applicants for services;
 - b. Negotiating an MOU with all required One Stop Partners and the entity(ies) being designated to provide services consistent with the scope and intent of section 134 of the WIA; or

- c. If the local Workforce Investment Board has reached an impasse in the negotiations with any required partner, submitting a request to the Governor for intervention; and
5. The local Workforce Investment Board and the local elected officials have submitted such request, together with any comments received and a summary of action taken on those comments, to the Workforce Development Council; the Workforce Development Council will make a recommendation on the request to the Governor.

MEMORANDUM OF UNDERSTANDING (MOU)

BACKGROUND

The Memorandum of Understanding (MOU) is an agreement developed and executed between the Local Workforce Investment Board, with the agreement of the local elected officials, and the One Stop partners relating to the operation of the One Stop delivery system. The WIA at section 121(c)(2) requires each MOU to contain provisions describing:

1. The services to be provided through the one stop delivery system;
2. How the costs of such services and the operating costs of the system will be funded, including the process for paying a proportional share of the costs of the one stop operating system;
3. Methods for referral of individuals between the one stop operator and the one stop partners, for appropriate services and activities;
4. The duration of the MOU and the procedures for amending the MOU; and
5. Other provisions as the parties determine to be appropriate.

WIA emphasizes the full and effective partnerships between Local Workforce Investment Boards and One Stop partners and requires these entities to enter into good faith negotiations. The WIA recognizes, however, that the process of negotiation will not always be successful. The regulations at section 662.310 set forth informal procedures and options to employ in the event an impasse is reached in the negotiations. In the event all negotiations fail, the regulations at section 662.310 require notification of the federal partners, the removal of the partner from the local Workforce Investment Board and exclusion of the local Workforce Investment Board from any incentives awarded for coordination.

POLICY

The following procedures for resolving an impasse between a local Workforce Investment Board and the local One Stop Partner shall be employed:

1. The local Workforce Investment Board and the local One Stop Partner will attempt to resolve their differences by informal means before employing the formal resolution process;
 - a. The Local Workforce Investment Board and local partner will document their efforts at negotiation and request the assistance of the appropriate state agency(ies) in an effort to resolve the impasse situation;
 - b. The state agency(ies) may contact their federal partners for assistance upon the agreement of all parties involved;

2. If negotiations cannot be resumed successfully through this negotiation process, the parties to the negotiation will present the issue to the Workforce Development Council, which will attempt to mediate the dispute and assist the parties in arriving at a resolution.
3. If the Council is able to negotiate a successful resolution, the Council will report the results to the Governor and the responsible state agency(ies);
4. If the Workforce Development Council is unable to facilitate a successful resolution to the impasse, the parties to the agreement will notify the Governor, the Department of Labor and the state agency responsible for administering the partner's program;
5. The responsible state agencies will report the situation to the Secretary of Labor and the head of any other Federal agency with responsibility for oversight of a partner's program, and
6. Sanctions will be imposed on the board and/or the partner program as specified in section 662.310 of the regulations.

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